

1 Board of Legal Document Preparers
2 Certification and Licensing Division
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6
7 **IN THE SUPREME COURT**
8 **STATE OF ARIZONA**
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PETITION TO AMEND RULE 31(d), ARIZONA RULES OF THE SUPREME COURT.) Supreme Court No. R-11-0001)) COMMENT IN RESPONSE TO) PETITIONERS' COMPROMISE) LANGUAGE FOR PETITION TO) AMEND RULE 31(d), ARIZONA) RULES OF THE SUPREME COURT)))
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26 Pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-208(D)(4)(b), the
27 Board of Legal Document Preparers submits this comment in response to the Petitioners'
28 Compromise Language for Petition to Amend Rule 31(d), Arizona Rules of Supreme Court
29 ("Petitioners' Compromise Language") filed on June 3, 2011 by Edward Novak, Scott Rodgers
30 and Ronda Fisk. The Board of Legal Document Preparers filed an Amended Comment
31 expressing opposition to the original Petition on May 9, 2011. The Board of Legal Document
32 Preparers was not involved in the subsequent drafting of the "compromise language" or any
33 related discussions.

34 Having reviewed and considered the Petitioners' Compromise Language, the Board of
35 Legal Document Preparers does not believe the proposed alternative language will overcome
36 the significant protection of the public issues already addressed in the Board of Legal
37 Document Preparers' Amended Comment. The offered alternative exception reads:

38 *A condominium unit owner's association, as defined by A.R.S. § 33-1241, and a planned*
39 *community association, as defined by A.R.S. § 33-1802, may be represented in the*
40 *preparation, execution, and recordation of notices of liens created pursuant to A.R.S. § 33-*
41 *1256 and § 33-1807 by an officer or employee of a management company who is not an*

1 *active member of the state bar if the management company has a contract with the*
2 *association that gives the management company primary responsibility for the*
3 *management of the association.*

4 ACJA § 7-208(C) expressly reflects the Court's desire to protect the public from
5 possible harm caused by non-lawyers through the establishment of minimum core
6 competencies, and performance and ethical standards for non-lawyers and business entities
7 who provide legal document preparation services to self-representing individuals and entities.
8 The Board of Legal Document Preparers believes the adoption of either the originally proposed
9 exception, or the alternative language submitted by way of the Petitioners' June 3, 2011
10 comment, will expose homeowners and self-representing associations to possible harm from
11 management companies and their unregulated employees who have not been required to
12 demonstrate minimum competencies, who are not required to adhere to established
13 professional standards, and who cannot be held accountable for the legal services they provide.
14 Further, the Board of Legal Document Preparers asserts adoption of either proposal will set a
15 dangerous precedent and open the door for other non-lawyers who offer specialized legal
16 services to seek similar exceptions tailored to circumvent regulatory oversight and
17 accountability.

18 No provision of ACJA § 7-201 or ACJA § 7-208 authorizes a certified legal document
19 preparer to act in a representative capacity on behalf of a customer; including but not limited to
20 signing documents for a customer. ACJA § 7-208(J)(5)(b) reads, in part:

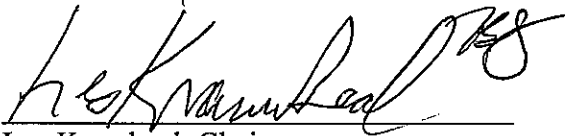
21 *A legal document preparer shall not represent they are authorized to practice law in this*
22 *state, nor shall the legal document preparer provide legal advice or services to another by*
23 *expressing opinions, either verbal or written, or by representing another in a judicial,*
24 *quasi-judicial, or administrative proceeding, or other formal dispute resolution process,*
25 *except as authorized in Rule 31(d), Rules of the Supreme Court.*

26 If the originally proposed exemption or the "compromise language" is adopted by the
27 Court and thereby added to Rule 31(d), the Board of Legal Document Preparers remains
28 concerned the protection of the public, specifically that of homeowners and the self-

1 representing associations, will be compromised by the lack of regulation and accountability on
2 the part of the property management companies and their employees.

3 Pursuant to ACJA § 7-208(D)(4)(b), the Board of Legal Document Preparers
4 recommends the Court deny the original Petition and reject the Petitioners' Compromise
5 Language.

6 DATED this 9th day of June, 2011.

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9 Les Krambeal, Chair
Board of Legal Document Preparers

1 A copy of the foregoing hand delivered and/or mailed this 9 day of June, 2011, to:

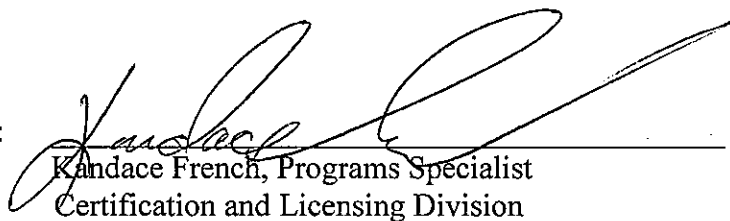
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